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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

EUGENE FUGARINO, SR.

FILED:

CIVIL ACTION

v.

APR 13 2012

JAMES BRENNAN, et al.

MICHAEL KUNZ, Clerk
By gk Dep:Clerk

NO. 12-1277

O R D E R

AND NOW, this 13th day of April, 2012, upon
consideration of plaintiff's Complaint and his motion to proceed
in forma pauperis, IT IS ORDERED that:

1. Plaintiff's motion to proceed in forma pauperis
(Document No. 3) is GRANTED.

2. Plaintiff, Eugene Fugarino, Sr., #JY0465, shall
pay in installments the full filing fee of \$350. Based on the
financial information provided by plaintiff, an initial partial
filing fee of \$6.77 is assessed. The Superintendent or other
appropriate official at the State Correctional Institution at
Somerset or at any other prison at which plaintiff may be
incarcerated is directed to deduct \$6.77 from plaintiff's inmate
trust fund account, when such funds become available, and forward
that amount to the Clerk of the United States District Court for
the Eastern District of Pennsylvania, 2609 U.S. Courthouse,
Philadelphia, PA 19106, to be credited to Civil Action No. 12-
1277. After the initial partial filing fee is collected and
until the full filing fee is paid, the Superintendent or other
appropriate official at the State Correctional Institution at
Somerset or at any prison at which plaintiff may be incarcerated,
shall deduct from plaintiff's account, each time that plaintiff's
inmate trust fund account exceeds \$10, an amount no greater than

20 percent of the money credited to his account during the preceding month and forward that amount to the Clerk of Court at the address provided above to be credited to Civil Action No. 12-1277.

3. Plaintiff's Complaint is DISMISSED without prejudice for the reasons discussed in the Court's Memorandum dated April 13, 2012. Plaintiff is given leave to file an amended complaint within thirty (30) days of the date of this Order. Upon the filing of an amended complaint, the Clerk shall not make service until so ORDERED by the Court.

4. The Clerk of Court is directed to send a copy of this order to the Superintendent of the State Correctional Institution at Somerset.

5. This case shall be marked CLOSED for statistical purposes.

BY THE COURT:

JAN E. DUBOIS
JAN E. DUBOIS, J.